
Here be Dragons: the Establishment and Development of Justice Studies Within the Faculty of Law, 1991 Onwards

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In ancient days, cartographers would designate ‘unknown areas’ on their maps with the phrase, “Here be dragons”. In hindsight, it was as much a statement of ignorance as it was a warning. It flagged, for all to see, that there were lands still to be explored, but that it might be a perilous journey for the brave or the unwary alike. In one sense, the early history of Justice Studies reflects a leap of faith into the unknown. In another sense, guided by the explorer’s experience – wisdom or knowledge if you like – the journey, whilst uncharted was not entirely unpredictable or without precedent.

The purpose of this article is to provide the reader with some insight into and understanding of the antecedents of the Justice Studies Unit within the Faculty of Law at QUT. This opening segment will act as a springboard to a description of the work of the Unit, including some of its achievements. Finally, the article will conclude with an overview of future possibilities and directions.

1 The Historical Context

One does not have to reach back too far in time to discover the origins of Justice Studies at QUT.

The Bachelor of Arts in Justice Studies is a full three year program designed to meet the preservice and inservice needs of the range of services, agencies and organisations working in and around the (criminal) justice system.¹

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1 Justice Studies Student Handbook, 1991.

These words first appeared in QUT official documentation in 1990 and found their way into the original Justice Studies Student Handbook issued in 1991. The words indicate that an undergraduate program had been designed and was on offer to students seeking entry to or already working within the 'justice' professions. The words do not indicate that the program was a unique development; that the degree was a response, in part, to the recommendations of the Commission of Inquiry into official corruption in Queensland in the late 1980s; that it was to become one of two University programs in Queensland 'delivering' police education and training; that nested within the degree was an Advanced Certificate in policing qualification; and that the period of gestation for Justice Studies was a remarkably swift twelve months, although discussions about other such programs stretched back at least fifteen years.

A single catalyst for the advent of Justice Studies can be identified – the recommendations of the Report of a Commission of Inquiry Pursuant to Orders in Council (1989), known generally and referred to hereafter as the Fitzgerald Report. Mr Justice Fitzgerald (as he was then) was charged with inquiring into official corruption in the State of Queensland. His report is remarkable for a number of reasons, but not least because it has left an indelible mark on the socio-political fabric of Queensland. His report made many critical recommendations about the criminal justice system. At the same time, and it should not be forgotten, his report called for an overhaul of the (then) electoral system and, in particular, a return to a clear delineation of the separation of powers in Queensland. His report was as far-reaching as it was insightful. The establishment of the Criminal Justice Commission and the Electoral and Administrative Review Commission provided the blue-print for both reform and ongoing review. The target was the eradication and prevention of corruption particularly within agencies in the criminal justice system, but underlying the recommendations were a strong sense of social justice and equity; a sense that there is no single panacea for a set of social ills, however inter-related; a sense that reform must be radical, must be dynamic and can only be long-term and developmental to be effective.

One of the focal points of the Report's many recommendations was the Queensland Police Force, now the Queensland Police Service. It is worth digressing at this point, for a paragraph or two. Efforts to reform policing had been underway in other States and Territories in Australia and elsewhere overseas for some time prior to the events in Queensland in the 1980s. Central to these efforts, were attempts to reform police education and training by moving it out of police academies and into mainstream tertiary institutions.

The thrust was threefold in nature – first, that police corruption was closely aligned with police culture, in which "mates did not dob in mates" and "closed ranks" were the orders of the day. Socialisation into police culture was associated with police academies; therefore, remove police education and training from the police academies and the nexus between police culture and police corruption would be broken. Second, that police services, generally, required recruits with a higher standard of education than had previously been the norm. To quote the Canadian example (Normandeau and Leighton, 1990:52):

The Canadian Police Service generally is concerned to find individuals with sufficient capability, flexibility and adaptability to cope with the exigencies of modern policing; individuals who will take more decisions, assume leadership roles and rely upon their interpersonal skills as opposed to simply obeying commands.

Increased educational qualifications were viewed as synonymous with improved performance, increased efficiency and less rigidity. The key to greater levels of professionalism lay in changing the selection and recruitment procedures, but, more important, in the basic education of recruits; greater levels of professionalism would reduce the likelihood of corruption, particularly if self-regulation developed. Third, that structural changes would be required to the organisation of policing but without educational changes, reforms would not work or would dissipate over time.

There existed, however, a basic stumbling block. Outside of police academies, few, if any courses existed for people seeking to become police officers. This was not without precedent. Nursing had only recently made the transition to what the National Police Professionalism Interim Advisory Council (NPPIAC) document (1990) described as “full professional status”. Nursing, as a profession, had redefined its role and adapted its practices to meet changing social and technological needs of society and had emerged as “a legitimate part of the wider medical profession”. The NPPIAC document questioned the failure of policing to make the grade suggesting that

Policing, unlike nursing, has not enjoyed the patronage of the wider profession. As the legitimate law enforcement body for society, policing is often seen by the wider justice/legal profession as antagonistic, adversarial and unsophisticated.

It is probably not useful to draw comparisons between the strength, or otherwise, of the relationship of the medical profession to nursing or the legal profession to policing. It is, however, useful to examine the ways in which previous attempts to change police education and training in Queensland had foundered and how the impetus provided by Fitzgerald created a new and entirely different context.

During the 1970s and 1980s, no less than four attempts were made by the (then) CAE sector to provide appropriate tertiary qualifications in police education and training. Significantly, the alignment was with education as a discipline. At the time, and still to an extent, there was no defined epistemology of policing; no discipline of policing which could establish an appropriate base or identity within the tertiary sector. The attempts failed on this basis alone. They were also beaten back both by the prevailing political climate, as well as resistance on the part of the police union.

Fitzgerald took into account these attempts and was cognisant of developments internationally. The report (1989:250) recognised the importance for police recruits of:

an education which equips them with a sense of balance in both enforcing the law and serving the community... the military model of training, applied to young school-leavers, cannot achieve these objectives.... Police need a deeper appreciation of social,

psychological and legal issues which are intrinsic to their work – an understanding which can only be acquired by higher education.

Fitzgerald recommended full-time, tertiary-based, preservice qualifications providing not only effective police officers but also the development of the appropriate academic base to underpin full professional status. Following a period of negotiation during 1990, a memorandum of agreement was completed between the Queensland State Government, the Queensland Police Service and two Brisbane-based Universities (QUT and Griffith University), which called upon the Universities to supply the Queensland Police Recruit Program, in conjunction with the Queensland Police Academy, for a period of three years and to provide an Advanced Certificate of Policing for recruits in return for a payment of \$4.8 million. The Advanced Certificate in Policing would be the equivalent of one year full-time of an undergraduate degree program. A program was devised and written in a matter of months and accredited by the University.

In February 1991, Justice Studies opened its doors at Kelvin Grove to 285 students – 200 recruits seeking entry into the Queensland Police Service and 85 students, both full-time and part-time, either seeking a preservice qualification or personnel currently working in and around the justice system, including serving police personnel. The unique arrangement between the University and the Queensland Police Academy meant that Police Recruits remained full-time at the University for six months before moving to the Academy. It also meant that a new intake of recruits arrived in second semester and thus, the first four units of the degree program were repeated each semester. In the period 1991-93, a total of 530 recruits attended the program at QUT. Of that number, approximately 505 went on to graduate from the Academy and be inducted into the Queensland Police Service. The Queensland Police Program was discontinued in 1993 after review by the Queensland Public Sector Management Commission, largely on the basis of cost. The program was also under intense pressure politically, both from government and from within the police.

In summary, the contract with the Queensland Police Service provided initial funding necessary to the establishment of Justice Studies at QUT. But it is equally important to state that Justice Studies is not, was not and never has been 'Police Studies'. Certainly, Justice Studies provides expertise in Law Enforcement and provides a professional orientation for students seeking employment in the area of policing. This is, however, only one aspect of the work of Justice Studies. This provides a convenient point at which to explore other aspects of the historical development of Justice Studies.

In his Summary Statement for Appointment Renewal in 1996, the then Dean of the Faculty of Law, Professor David Gardiner, acknowledged directions suggested by the Pearce Report into Australian Law Schools (1987). He claimed as one of the Faculty achievements since his initial appointment as dean in 1990 as being "extending the disciplines covered by the Faculty through the inclusion of Justice Studies". In his statement that "a number of opportunities have been grasped to give impetus to change and continuous improvement", the first to be cited was "the

addition of Justice Studies to bring a natural partnership of law and justice”.

The broader multidisciplinary focus combined with a range of professional emphases including Law Enforcement, Intelligence and Security which is unique amongst tertiary institutions in Australia, Corrections and the Community and Legal and Justice Policy enables Justice Studies to maintain links to ‘the law’ whilst at the same time, allowing students opportunities to develop as critical thinkers with access to other disciplinary perspectives. The disciplines of sociology, psychology, criminology and philosophy-ethics provide an appropriate emphasis on justice.

The Advanced Certificate in Policing has disappeared. The original number of 85 students enrolled as full-time or part-time students in the undergraduate program has grown to over 500 students currently enrolled. Over 160 students have graduated from the program.

2. The Development of Pedagogy

The importance of the post-Fitzgerald police reforms to the establishment of Justice Studies cannot be understated. At the same time, early decisions about the development of an appropriate curriculum, the set of course objectives and indeed, the title of the program, clearly reflected a broader focus – broader than criminal justice – and acknowledged the Fitzgerald concern with wider issues of social justice and the Pearce concern for the inclusion of multidisciplinary perspectives within traditional ‘law schools’. The development of a multidisciplinary program accommodated, for example, not only the importance of an understanding of the law to a profession such as policing but also acknowledged that justice professionals require more than a knowledge of ‘the law’ to perform their duties effectively; that law enforcement and justice administration should only be considered within an appropriate theoretical and social context.

The primary objectives of Justice Studies have been and continue to be as follows:

- to educate preservice and inservice practitioners seeking entry to or working within the justice professions to become critically reflective professionals (Teaching/Learning)
- to conduct scholarly research and publish in the areas of justice, criminal justice and relevant professional issues (Research/Scholarship)
- to bring to the community knowledge and expertise (Community Service).

At the core of the development of the Justice Studies curriculum lies a commitment to the consideration of issues of social justice and equity, including race, gender, class, ethnicity, age and (dis)ability. This includes a commitment to enrolling students through alternative entry processes that otherwise might not obtain a place at a University. Thus, a curriculum which is integrated both horizontally – for example, students in the first year of the undergraduate program are introduced to the foundation disciplines – and vertically – ie there are opportunities during the second and third years of the program to extend and deepen the understanding of the

foundation disciplines – evolved, with common threads that run throughout.

The focus, in the initial years, has also been upon excellence in teaching. Students are encouraged to become critical thinkers. They learn to be critical thinkers in an environment that encourages and supports enquiry; in which assessment is oriented increasingly towards research projects; and in which academic staff are facilitators. The strength of Justice Studies lies in the commitment of its staff, which includes a willingness to team-teach, to innovate and to review continuously teaching performance. The measure of quality lies in the continuing success of graduates to obtain employment or to continue on to further study.

3. Milestones and Achievements

During the period 1991-93, a full three year undergraduate program was built up from ground level. In 1994, the first steps were taken to provide part of the degree in external, as well as internal mode. Following reaccreditation in 1995, for the period 1996-2000, the whole of the undergraduate program has been made available in external mode.

In 1995, as part of the effort to increase integration within the Faculty, a combined degree (Bachelor of Arts in Justice Studies/Bachelor of Laws) was introduced. From an initial enrolment of 33 students, there are now almost 120 students enrolled in what is the only intra-faculty degree in the University.

In 1992, also as part of the process of integration, four (4) units from Justice Studies were offered as part of the Master of Laws (LLM) program. These units, which have always proved popular with postgraduate students, became the foundation units of the Master of Arts in Justice Studies (by coursework) first offered in 1996. At the same time, a Master of Arts in Justice Studies by Research and Thesis and a Graduate Diploma in Legal and Justice Studies were offered for the first time. 1996 was also the year in which the Bachelor of Arts in Justice Studies (Honours) became available.

The period 1991-96 has been a period of almost continuous course development, as new units have been brought on line each semester. This could not be achieved without the dedication and commitment of the staff. Under the circumstances, it might be reasonable to assume that other aspects of the university role have been neglected, but this is far from being the case. Since 1992, three current members of staff have completed doctorates; two other members of staff who completed doctorates have since moved to other positions; two members of staff have doctorates at the point of submission; and three members of staff are currently enrolled in doctorates, which they will complete before the year 2000. This is a phenomenal achievement, for it not only raises the academic profile of Justice Studies and results in publications which are recognised nationally and internationally but also creates a greater supervisory pool for postgraduate students. There are three full-time and seven part-time students currently enrolled in doctoral programs through Justice Studies.

The vehicle of enrolment is the Research Concentration in Crime Prevention

which was established in 1994. The objective of the Research Concentration is to develop a research profile whilst at the same time playing a mentoring role for staff and postgraduate students. The Research Concentration has been successful in attracting over \$400,000 in Grant money. A number of research projects have been successfully completed including:

- Surveys of youth, offending or at risk of offending, in various cities in Queensland
- A review of the effectiveness of the Aboriginal and Torres Strait Islander Police Liaison Service
- Research into and establishment of youth specific drug and alcohol programs
- A review of drug and alcohol support services for Aboriginal and Torres Strait Islanders in the Cairns region
- Assessment and Management of Prisoners in Custody
- Establishment of Ipswich Theatre for Youth – Victims and Offenders.

Individual staff members have also contributed to the research quantum, both through funded and non-funded projects. A number of small ARC grants have been won and currently a large grant is being sought. The number of publications and conference presentations is increasing accordingly. At the same time, the numbers of consultancies in which staff are involved are increasing.

In 1993 Justice Studies hosted the First National Conference on Perspectives in Justice. This year, Justice Studies co-hosted (with Griffith University) the Annual International Conference of the Australian and New Zealand Society of Criminology. In 1998, Justice Studies will host the Annual conference of the Society.

In 1996, Justice Studies published the first edition of Themis – the Journal for Justice Professionals. Justice Studies has always sought to develop a community service profile. Ongoing relationships with government and non-government agencies, as well as with communities generally have gradually been established and nurtured. This is, in part, an effort to increase links with potential employers for students and to increase the opportunities available for fieldwork for students during their course. This strategy has been extremely successful. The number of potential employers increases each year, as the community becomes more aware of the quality of Justice Studies graduates. Initially, approximately ten to twelve potential employers were identified. This number has grown to over thirty, including a growing number of State Government Departments both in Queensland in other states.

Beyond the employment front, Justice Studies staff are engaged in a range of community service activities. A substantial Community Service grant from the University is helping reduce violence and prevent crime in the Riverview/Goodna area of Ipswich, whilst a Justice Studies initiative has resulted in the establishment of the Queensland Branch of the International Commission of Jurists. Staff members have been integral to the establishment and development of the Australian Institute of Professional Intelligence Officers.

Justice Studies was among the first Units in the University to introduce a Computer Laboratory for students. During the period 1991-93, all students were

provided with a compulsory but non-assessable word processing course. Since 1993, increasing numbers of students have arrived with appropriate computer skills and the short course was discontinued. In 1995, the laboratory was relocated and reconfigured into a teaching facility. The laboratory is now used to introduce students to sophisticated computer software packages, particularly for use in the Intelligence and security field, providing manufacturers with feedback for research and development. The laboratory remains available for student use on a 24 hour-a-day, 7 days-a-week basis.

Justice Studies staff have contributed positively and effectively to Faculty and University committees. The period of initial development has included the establishment of an appropriate committee structure which dovetails with Faculty and University requirements. It is important to note that the administrative staff in Justice Studies have played a vital and valuable role in the development of the Unit.

4. Future Directions

The Justice Studies dragon is neither supine nor without fire. It is a hard-working, constructive dragon which seeks to collaborate with others. It is interested in charting the territory that remains unknown in conjunction with the rest of the Faculty in order to continue to contribute to the development of the Faculty of Law. The period 1991-97 has been one of rapid growth through a growing undergraduate program and subsequently, postgraduate offerings. Demand for the undergraduate remains at high levels and as the reputation of graduates grows so will the number of employment opportunities. In 1994, in his Academic Audit of Justice Studies, Associate Professor Don Robertson of the University of Western Sydney wrote (1994:13):

Graduates while employable within one of the criminal justice streams are equally employable in another. This reflects the quality of teaching and the breadth of scope offered by the curriculum.

It is imperative that Justice Studies remain responsive to the needs of the various services, agencies and organisations in and around the criminal justice system. To this end, Justice Studies has made effective use of the Justice Studies Advisory Committee under the astute, guiding hand of Associate Professor Ken Polk of the Department of Criminology at Melbourne University. Committee members, drawn from various services, agencies and organisations have ably navigated Justice Studies towards needs and demands. Justice Studies has continued to consolidate relationships already established with the Defence Services, ASIO and organisations such as the National Crime Authority, the Criminal Justice Commission and the Queensland Ambulance Service. Links with the Attorney-General's Office, the Brisbane City Council, the Ipswich City Council, the Rockhampton City Council, the Women's Legal Service, the Caxton Street Legal Service, the Social Services Tribunal, the Police Education Advisory Council, the Queensland Corrective Services

Commission Research Committee, the Department of Families, Youth and Community Care, Life-Line, the Cherbourg Community Council are all evidence of the applied nature of the work being done by Justice Studies and the desire with the Unit to remain in touch with practitioners. At the same time it is incumbent on Justice Studies to integrate more fully within the Faculty. Robertson (1994:18) commented that:

There could be no more appropriate academic match than a School of Law and (a School) of Justice Studies in meeting the interrelated needs of both the legal and justice professions. Justice Studies informs law as its applied edge, as law informs Justice Studies in terms of its legal and constitutional context.

Robertson remained mindful that “shared teaching, shared course development, shared research, shared resources, shared management and, most important, a shared developmental vision must continue to characterise the nature of the Justice Studies/Faculty relationship”.

Justice Studies remains geographically dislocated from the rest of the Faculty, but as courses become more open and flexible, there are increased opportunities for shared teaching and for students to seek elective units across the Faculty. The introduction of a Criminology professional minor, in the near future and the development of units in the area of Legal and Justice Policy will provide students enrolled in the Bachelor of Laws degree a broader set of elective opportunities.

In a similar way, the ongoing input into the Masters of Laws (LLM) degree and increasing cooperation and collaboration in the offering of fee-paying Graduate Certificate programs will promote greater integration.

In the new era of full fee-paying courses, Justice Studies will have to seek to remain competitive in the market-place. As yet, the international market remains untapped, although Justice Studies remains hopeful that our overseas students from Papua New Guinea and Tonga will provide their employers with valuable service – and an indication of the quality of the Justice Studies program. The reputation for supervisory excellence is beginning to grow and Justice Studies can look forward to increasing numbers of postgraduate students enrolling in programs. In similar fashion, the research culture is developing and it is possible to predict an increase in quality publications.

The current chart retains areas marked “Here be Dragons”, but much has already been mapped with considerable success.

References

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